

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO.          | F      | ILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.) | CONFIRMATION NO. |
|--------------------------|--------|------------|----------------------|----------------------|------------------|
| 10/724,463               |        | 12/01/2003 | Jiazheng Lu          | USP2228A-BII         | 9889             |
|                          | 7590   | 02/02/2005 |                      | EXAMI                | NER              |
| Raymond Y. Chan          |        |            | STORMER, RUSSELL D   |                      |                  |
| Suite 128<br>108 N. Yne: | z Ave. |            |                      | ART UNIT             | PAPER NUMBER     |
| Monterey Park, CA 91754  |        |            |                      | 3617                 | <u> </u>         |

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Application No.   Applicant(s)   | (  | •  |  |                                  |  |  |  |  |  |
|--|--|--|--|----------------------------------|--|--|--|--|--|
| ## Examiner   Summer   Satt Unit   Satt    ## Free MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  • Extensions of time may be available under the provisions of 37 CRR 1.35(b). In no event, however, may a rayly be simily filled    • If this period for raply is specified above, the maximum standary period will apply and will apply and will spery in SC (6) MONTHS from the mailing date of this communication. Period of the provision of the standard period will apply and will apply 50 (MONTHS from the mailing date of this communication. Period  |  |  | Application No.  | Applicant(s)                     |  |  |  |  |  |
| Russell D. Stormer  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extension of union may be available under the prostore of 3°CR 1.35(a). In no event, however, may a noty be timely filled the period for reply specified above is less than thirty (0) days, and provide the statution with the period for reply specified above is less than thirty (0) days, and provide the statution with the period for reply specified above is less than thirty (0) days, and provide the statution with the period for reply specified above is less than thirty (0) days, and provide the statution with the period for reply specified above is the statution period of the statution with the period of the communication.  Any reply received by the Office lister than these months after the mailing date of the communication, even if timely filled, may reduce any seemed parent an adjustment. Sea 3°C FR 1.79(b).  Status  1) Responsive to communication(s) filled on   | //   |  | 10/724,463   | LU, JIAZHENG                     |  |  |  |  |  |
| The MALLING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Extension of term any be available under the provisions of 3°CR1.33(6). In so event, however, may a risky be limity filled in the period for risky is specified shows is less than thing (30 days, as the period for risky septiment of the period for risky septiment of the period for risky septiment or setly within the action set of the risky filled on the period of the communication. Failure to setly within the action adjustment. See 37 CFR 1.79(6). See the realiting sets of this communication, examined and the communication. Failure of the period for the communication, examined the period of the communication, examined the communication of the communica  | 7  | Office Action Summary  | Examiner   | Art Unit                         |  |  |  |  |  |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extension of time range by aceidable under the proteitions of 37 CFR 1.35(a). In no event, however, may a reply be timaly filled  - If the period for may be pecified above. The maximum statutory period will apply and will expire SIX (b) MONTHS from the mailing date of this communication.  - If NO period for may be specified above. The maximum statutory period will apply and will expire SIX (b) MONTHS from the mailing date of this communication.  - If NO period for may be specified above. The maximum statutory period will apply and will expire SIX (b) MONTHS from the mailing date of this communication.  - If NO period for may be specified above. The maximum statutory period will apply and will expire SIX (b) MONTHS from the mailing date of this communication.  - If NO period for may be specified above. The maximum statutory period will apply and will expire SIX (b) MONTHS from the mailing date of this communication.  - If NO period for may be specified above. The maximum statutory period will apply and will expire show any sevented patent term adjustment. See 37 CFR 1.704(b).  - Status  - In This action is FINAL.  - 2b) This action is non-final.  - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C. D. 11, 453 O.G. 213.  - Disposition of Claims  - 4) Claim(s) 1-20 is/are pending in the application.  - 4a) Of the above claim(s) is/are pending in the application.  - 4a) Of the above claim(s) is/are allowed.  - Claim(s) 1-20 is/are pending in the application of claim(s)   |  |  |  |                                  |  |  |  |  |  |
| THE MAILING DATE OF THIS COMMUNICATION.  Extensions of tem may be waited under the provision of 37 CFR 1.31(s). In no event, however, may a reply be timely filed after SIX (8) MCNTHS from the mailing date of this communication. A six of the main of the communication of the communic |  |  | ears on the cover sheet with the c   | orrespondence address            |  |  |  |  |  |
| 1) Responsive to communication(s) filed on   | <ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any</li> </ul> |  |  |                                  |  |  |  |  |  |
| 2a)  This action is FINAL.  2b)  This action is non-final.  3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-20   s/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s) 7-9,12.16,17 and 20   s/are objected to.  8)  Claim(s)  are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a)  accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  Notice of Informal Patent Application (PTO-152)   | Status   |  |  |                                  |  |  |  |  |  |
| 3  | 1)   | Responsive to communication(s) filed on  | <b>_·</b> ·  |                                  |  |  |  |  |  |
| closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)   | 2a)□   | This action is <b>FINAL</b> . 2b)⊠ This  | action is non-final.   |                                  |  |  |  |  |  |
| Al) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) 1) Notice of References Cited (PTO-152) 5) Notice of Informal Patent Application (PTO-152)   | 3)□  | Since this application is in condition for allowar   | nce except for formal matters, pro   | secution as to the merits is     |  |  |  |  |  |
| 4)  Claim(s) 1-20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are allowed.  7)  Claim(s) 7-9.12.16.17 and 20 is/are objected.  7)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a)  cepted or b)  objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c)  None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3)    notematical Drawing Patent Application (PTO-152)  |  | closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  |  |                                  |  |  |  |  |  |
| 4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 7) □ Claim(s) is/are allowed. 7) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) □ Notice of Partsperson's Patent Drawing Review (PTO-948) 3) □ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) □ Notice of Informal Patent Application (PTO-152)  | Dispositi  | on of Claims   |  |                                  |  |  |  |  |  |
| 5) ☐ Claim(s) is/are allowed. 6) ☒ Claim(s) is/are allowed. 7) ☒ Claim(s) is/are allowed. 7) ☒ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s) 1) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152)  | 4)⊠  | Claim(s) 1-20 is/are pending in the application.   |  |                                  |  |  |  |  |  |
| Signature (Signature) Signature)  |  | 4a) Of the above claim(s) is/are withdrawn from consideration.   |  |                                  |  |  |  |  |  |
| 7)  Claim(s) 7-9,12,16,17 and 20 is/are objected to. 8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a)  accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1.   | 5)   | Claim(s) is/are allowed.   |  |                                  |  |  |  |  |  |
| Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  1) Interview Summary (PTO-413)  Paper No(s)/Mail Date  Paper No(s)/Mail Date  1) Interview Summary (PTO-413)  Paper No(s)/Mail Date  1) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disdosure Statement(s) (PTO-1449 or PTO/S8/08)  | 6)⊠  | Claim(s) <u>1-6,10,11,13-15,18 and 19</u> is/are rejected.   |  |                                  |  |  |  |  |  |
| Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   | 7)🛛  |  |  |                                  |  |  |  |  |  |
| 9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  1) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  | 8)[  | · · ·  |  |                                  |  |  |  |  |  |
| 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  | Applicat   | ion Papers   |  |                                  |  |  |  |  |  |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some colonge of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   | 9)[  | The specification is objected to by the Examine  | r.   |                                  |  |  |  |  |  |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Pro-1449 or PTO/SB/08)  4) Interview Summary (PTO-413)  Paper No(s)/Mail Date.  5) Notice of Informal Patent Application (PTO-152)  | 10)[   | · <del></del>  |  |                                  |  |  |  |  |  |
| 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of References Cited (PTO-892)  3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   |  |  |  |                                  |  |  |  |  |  |
| Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   |  | Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).   |  |                                  |  |  |  |  |  |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   | 11)[   | The oath or declaration is objected to by the Ex   | aminer. Note the attached Office   | Action or form PTO-152.          |  |  |  |  |  |
| a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  | Priority (   | under 35 U.S.C. § 119  |  |                                  |  |  |  |  |  |
| 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date.  5) Notice of Informal Patent Application (PTO-152)   | a)   | <ul> <li>□ All b) □ Some * c) □ None of:</li> <li>1. □ Certified copies of the priority document:</li> <li>2. □ Certified copies of the priority document:</li> <li>3. □ Copies of the certified copies of the priority application from the International Bureau</li> </ul> | s have been received.<br>s have been received in Applicat<br>rity documents have been receive<br>u (PCT Rule 17.2(a)). | ion No ed in this National Stage |  |  |  |  |  |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)   | Attachmer  | nt(s)  |  |                                  |  |  |  |  |  |
| 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)   |  |  |  |                                  |  |  |  |  |  |
|  | 3) Infor   | mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   | 5) 🔲 Notice of Informal F  |                                  |  |  |  |  |  |

Application/Control Number: 10/724,463 Page 2

Art Unit: 3617

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public

use or on sale in this country, more than one year prior to the date of application for patent in the United

States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by

Japanese document 63-269701.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by

Hayn et al (British 160144).

4. Claims 1-4, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated

by Pikl.

Pikl discloses a wheel comprising walking elements 26 which are connected to

support elements 27 through the guiding elements 16. The guiding elements connect

the toe portions to the heels portions of adjacent walking elements.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the

Application/Control Number: 10/724,463

Art Unit: 3617

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stith in view of Hayn et al..

Stith discloses a bicycle which employs walking elements 12 connected in series to form endless treads. The walking elements are not connected to supporting members which extend from the hub.

Hayn et al teaches a wheel assembly comprising a hub, a plurality of support members 5-10, and walking elements pivotally connected to the supports. From this teaching it would have been obvious to those of ordinary skill in the art to substitute walking elements for the endless treads of Stith in order to provide a wheel assembly which is much less cumbersome than the endless treads, and therefor improve the maneuverability of the bicycle.

7. Claims 13-15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stith in view of Pikl.

Stith discloses a bicycle which employs walking elements 12 connected in series to form endless treads. The walking elements are not connected to supporting members which extend from the hub.

Pikl teaches a wheel assembly comprising a hub, a plurality of support members 27, and walking elements 26 pivotally connected to the support members through the guiding elements 16. From this teaching it would have been obvious to those of ordinary skill in the art to substitute walking elements such as that taught by Pikl for the endless treads of Stith in order to provide a wheel assembly which is much less

Application/Control Number: 10/724,463 Page 4

Art Unit: 3617

cumbersome than the endless treads, and allow the bicycle to overcome obstacles as taught by Pikl.

## Allowable Subject Matter

8. Claims 7-9, 12, 16, 17, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

## Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other walking wheels and bicycles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (703) 308-3768. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

\*\*\*

1/28/05

RUSSELL D. STURMER PRIMARY EXAMINER 28